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Attorneys for Plaintiffs and the Putative Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

21 BENSON WORLEY, et al.
22 Plaintiff,
23 v.
24 AVANQUEST NORTH AMERICA INC.,
25 Defendant.

CASE NO. 3:12-CV-04391-WHO

**STIPULATED REQUEST FOR ORDER
CONTINUING CASE DEADLINES; AND
ORDER**

Judge: Hon. William H. Orrick
Ctrm.: 2 (17th Floor)

1 Pursuant to Local Rules 6-1, 6-2, and 7-12, Plaintiffs Benson Worley and Johnny Boyd
2 (“Plaintiffs”) and Defendant Avanquest North America Inc. (“Avanquest”) (collectively,
3 “Parties”), by and through their undersigned counsel, submit this Stipulated Request for Order
4 Continuing Case Deadlines and [Proposed] Order, and state as follows:

5 WHEREAS, the Parties previously stipulated to extend the time of Initial Case
6 Management Conference and it was held on October 1, 2013 (Doc Nos. 26; 51; 67; 86);

7 WHEREAS, by Order entered October 1, 2013, the Court set a schedule of discovery and
8 general case deadlines, including requiring that Plaintiffs serve their FRCP 26(a)(2) class
9 certification disclosures by March 28, 2014, and Defendant serve its FRCP 26(a)(2) disclosures of
10 rebuttal expert witness and reports by April 28, 2014. The Court also set a deadline for
11 depositions of all class certification witnesses except defendant’s rebuttal experts for April 28,
12 2014; the Court set the deadline to depose defendant’s rebuttal experts for May 28, 2014. The
13 Court’s Order further set a briefing schedule on Plaintiffs’ anticipated motion for class
14 certification such that Plaintiffs motion for class certification be filed no later than June 30, 2014,
15 Defendant’s response by July 21, 2014, and Plaintiffs’ reply by August 4, 2014, with the hearing
16 on class certification to occur on August 20, 2014 (Dkt. No. 110);

17 WHEREAS, on November 14, 2013, the Parties presented the Court with a Joint
18 Statement Regarding Discovery Disputes (Dkt. No. 116);

19 WHEREAS, by Order entered November 19, 2013, the Court referred certain outstanding
20 discovery disputes between the Parties to Magistrate Judge Laurel Beeler for resolution (Dkt.
21 Nos. 117, 118);

22 WHEREAS, on December 12, 2013, the Parties appeared before Judge Beeler regarding
23 their outstanding discovery disputes, and a ruling was issued on the same on December 13, 2013
24 (Dkt. No. 123);

25 WHEREAS, on February 5, 2014, the Court granted the Parties’ Stipulated Request for
26 Order Continuing Further Case Management Conference from February 11, 2014, to March 25,
27 2014 (Dkt. Nos. 110; 128; 129);

28 WHEREAS, the Parties have been proceeding with discovery in light of Judge Beeler’s

1 December 13th Order (and otherwise), including engaging in an ongoing meet and confer process
 2 to address various issues related to their respective discovery responses and productions of
 3 documents and tangible things;

4 WHEREAS, the Parties believe that good cause exists to continue the scheduled Further
 5 Case Management Conference to the first Tuesday after forty-five (45) days from March 25,
 6 2014, to May 13, 2014, or such other date convenient for the Court, to allow the Parties time to
 7 complete the outstanding discovery, including regarding class certification issues and disclosures;

8 WHEREAS, the Parties further believe that good cause exists to continue the class
 9 certification deadlines approximately sixty (60) days as follows:

	Current Deadline	Proposed Deadline
<i>Plaintiffs' Rule 26(a)(2) Disclosures Regarding Class Certification</i>	March 28, 2014	May 27, 2014
<i>Defendant's Rule 26(a)(2) Rebuttal Disclosures Regarding Class Certification</i>	April 28, 2014	June 27, 2014
<i>Deadline to Depose Class Certification Witnesses (except Defendant's Rebuttal Expert(s))</i>	April 28, 2014	June 27, 2014
<i>Deadline to Depose Defendant's Expert Rebuttal Witnesses Related to Class Certification</i>	May 28, 2014	July 28, 2014
<i>Plaintiffs' Deadline to File Motion for Class Certification</i>	June 30, 2014	August 29, 2014
<i>Defendant's Deadline to File Opposition to Motion for Class Certification</i>	July 21, 2014	September 19, 2014
<i>Plaintiffs' Deadline to File Reply in Support of Motion for Class Certification</i>	August 4, 2014	October 3, 2014
<i>Hearing on Motion for Class Certification</i>	August 20, 2014 at 2:00 p.m.	October 20, 2014 at 2:00 p.m.

28 WHEREAS, the Parties have noticed that the Court's Civil Minutes for the October 1,

1 2013, CMC (Dkt. No. 110) and Civil Pretrial Order (Dkt. No. 115) indicate that Parties’
2 dispositive motions be filed no later than May 18, 2014, with responses due no later than June 17,
3 2014, replies due no later than July 1, 2014, and a hearing on any motion set no later than July 15,
4 2015. This briefing schedule, however, appears to have been in error inasmuch as the hearing date
5 and balance of case deadlines, appear to indicate that briefing would proceed in calendar-year
6 2015, as opposed to 2014. Accordingly, the Parties also respectfully request correction of the
7 schedule to reflect that dispositive motions are to be filed no later than May 18, 2015, with
8 responses filed by June 17, 2015, and replies filed by July 1, 2015;

9 WHEREAS, Local Rule 6-1(b) mandates that the Parties may stipulate in writing to the
10 Court “for any enlargement . . . of time that alters an event or deadline already fixed by Court
11 order.” Local Rule 6-1(b);

12 WHEREAS, the Parties are not aware of any date fixed by Court order that will be altered
13 by the instant stipulation, absent the Court’s execution of this Proposed Order (which would
14 modify the deadline to for: (1) the Further Case Management Conference, (2) the Parties to
15 submit their FRCP 26(a)(2) Class Certification Disclosures, (3) the briefing schedule on
16 Plaintiff’s anticipated motion for class certification, and (4) when Dispositive Motions and
17 subsequent papers are to be filed);

18 WHEREAS, good cause exists to grant the Parties’ Stipulated Request.

19 **NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE** as
20 follows:

21 1. The Further Case Management Conference shall be continued to the first Tuesday
22 after forty-five days (45) days from March 25, 2014, to May 13, 2014, or such other date
23 convenient for the Court;

24 2. The deadline for the Parties to serve their respective FRCP 26(a)(2) class
25 certification disclosures shall be continued sixty (60) days such that Plaintiffs’ disclosures shall
26 be served no later than May 27, 2014, and Defendant’s rebuttal disclosures shall be served no
27 later than June 27, 2014;

28 3 The deadlines for depositions of all class certification witnesses except

1 Defendant's rebuttal experts shall be continued from April 28, 2014 to June 27, 2014 and the
2 deadline to depose Defendant's rebuttal experts shall be continued from May 28, 2014 to July 28,
3 2014;

4 4. The deadline for Plaintiffs to file their Motion for Class Certification shall be
5 continued sixty (60) days from June 30, 2014 to August 29, 2014;

6 5. The deadline for Defendant to file its Opposition to Plaintiff's Motion for Class
7 Certification shall be continued sixty (60) days from July 21, 2014 to September 19, 2014;

8 6. The deadline for Plaintiffs to file their Reply in Support of their Motion for Class
9 Certification shall be continued sixty (60) days from August 4, 2014 to October 3, 2014;

10 7. The hearing on class certification shall be continued sixty (60) days from August
11 20, 2014 to October 20, 2014 at 2:00 p.m.; and

12 8. The deadline for the Parties to file dispositive motions is May 18, 2015, with
13 responses to be filed by June 17, 2015, replies to be filed by July 1, 2015, and dispositive motions
14 to be heard by July 15, 2015.

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IT IS SO STIPULATED.

Dated: March 18, 2014

BENSON WORLEY and JOHNNY BOYD,
individually and on behalf of all others similarly situated,

By: /s/ Benjamin H. Richman
One of Plaintiffs' Attorneys

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Dated: March 18, 2014

AVANQUEST NORTH AMERICA INC.,

By: /s/ N. Kathleen Strickland
One of Defendant's Attorneys

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, N. Kathleen Strickland, am the ECF user whose identification and password are being used to file the foregoing Stipulated Request for Order Continuing Case Deadlines; and [proposed] Order. I hereby attest that the above-referenced signatory to this Stipulated Request has concurred in this filing.

Dated: March 18, 2014

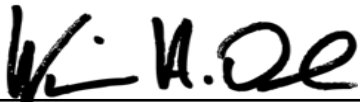
 /s/ N. Kathleen Strickland
N. Kathleen Strickland

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The parties shall file a Joint Case Management Conference Statement on May 6, 2014 describing the status of this matter. At the Case Management Conference on May 13, 2014, the parties should be prepared to discuss, among other things, moving the trial date to October to provide three months between the last day to hear dispositive motions and the trial.

Entered March 19, 2014



HONORABLE WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE